IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

WP(C).No. 4065 of 2007(H)

PETITIONER:

RAJESH P.M.,
WATCHMAN, GOVERNMENT I.T.I., THOTTADA,
KANNUR, KANNUR DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF LABOUR, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR,
INDUSTRIES TRAINING DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 4065 OF 2007

Dated this the 6th February, 2007.

JUDGMENT

The petitioner is working as Watchman in the Government Industrial Training Institute, Kannur. Ext.P6 representation filed by him is pending with the second respondent. The point arising for consideration as seen from Ext.P6 is the determination of the seniority of the petitioner with reference to the first effective advice in the category to which he has been appointed. The petitioner contends that instead of determining his seniority with reference to the date of his second advice for re-entry into the service, it should run from the date of first effective advice.

2. I have heard Govt. Pleader also.

3. The second respondent has got a duty to consider Ext.P6 in accordance with law and take appropriate decision.

4. In the circumstances, the second respondent is directed to consider Ext.P6 based on the provisions contained in Rule 27 of Part II K.S & S.S.R, and to take decision in accordance with law. Before passing orders on Ext.P6, the views of the Public Service Commission in the matter also shall be sought for by the second respondent

after furnishing to the Public Service Commission all relevant aspects. The Commission shall consider the same and reply to the second respondent at its earliest. Final decision shall be taken on Ext.P6 within two months from the date of receipt of a copy of the judgment. Writ petition is disposed of accordingly.

K.K.DENESAN
Judge

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